

#9
4/15/03

Our Docket No: 070452.P001C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Forusz et al.

Application No: 10/057,156

Filed: October 25, 2001

For: Composition for Increasing Bone
Density

Examiner: Choi, Frank I.

Art Unit: 1616

RECEIVED
APR 03 2003
TECH CENTER 1600/2900

Box Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

The undersigned attorney represents that the undersigned attorney is the attorney
of record for the above-referenced patent application.

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that I am causing the above-referenced correspondence to be deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

March 26, 2003

Date of Deposit

Leah Schwenke

Name of Person Mailing Correspondence

Leah Schwenke

Signature

March 26, 2003

Date

04/01/2003 CHUYEN 00000111 10057156

01 FC:2814

55.00 OP

BEST AVAILABLE COPY

The assignee of the entire right, title, and interest in and to the above-referenced patent application is Pharmavite Corporation ("assignee"), a California corporation having a place of business at 8510 Balboa Boulevard, Northridge, California 91325.

The terminal part of any patent granted on the above-identified application that would extend beyond the expiration of the full statutory term of

 X any patent granted on application number 09/365,156 now issued Patent No. 6,436,446, entitled: Composition For Increasing Bone Density, July 30, 1999.

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

 X any patent granted on application number 09/365,156 now issued Patent No. 6,436,446, entitled: Composition For Increasing Bone Density, July 30, 1999.

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors, or assigns.

No disclaimer is being made as to any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of

 X any patent granted on application number 09/365,156 now issued Patent No. 6,436,446, entitled: Composition For Increasing Bone Density, July 30, 1999.

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

BEST AVAILABLE COPY


Enclosed is a check for \$ 110.00 for the fee under 37 C.F.R. § 1.20(d).

Please charge Deposit Account No. 02-2666 for any fee deficiency that may be due. A duplicate of this Terminal Disclaimer is enclosed for Deposit Account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: March 26, 2003



Roberta J. Hanson
Reg. No. 51,774

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(303) 740-1980

BEST AVAILABLE COPY